

**CALIFORNIA ANTI-SLAPP PROJECT**

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**DR. ALLEN PANZER, et al.,**

**Plaintiffs,**

**vs.**

**YELP INC.,**

**Defendant.**

**Case No. 2:13-cv-07805-DDP-JCG**

**DECLARATION OF VINCE SOLLITTO  
IN SUPPORT OF SPECIAL MOTION  
TO STRIKE THE COMPLAINT**

**Date: February 10, 2014**

**Time: 10:00 a.m.**

**Courtroom: 3 - 2nd Floor**

**Judge: Hon. Dean D. Pregerson**

**Action Filed: October 22, 2013**

1 I, Vince Sollitto, declare as follows:

2 1. I am Vice-President of Corporate Communications at Yelp Inc. ("Yelp").  
3 Among other responsibilities, I develop communications from Yelp regarding its  
4 services and policy positions, including communications about Yelp's review system, its  
5 service offerings, and its efforts to address the problem of unreliable reviews. I have  
6 been employed at Yelp since April 2009. I have personal knowledge of the facts  
7 contained in this declaration, unless otherwise indicated. Where appropriate, I have  
8 relied on records prepared and maintained by Yelp in the normal course of its business.

9 2. Yelp, founded in 2004, owns and operates Yelp.com, a popular social  
10 networking and search website, and related mobile applications (collectively, the "Site")  
11 for users to share information about their communities. The Site, among other things,  
12 provides and publishes a forum for members of the public to read and write reviews  
13 about local businesses, services, and other entities including non-profits and government  
14 agencies. Yelp was born out of a belief that the best source for information about a local  
15 community is from the community members themselves, and that, prior to Yelp, it was  
16 all but impossible to broadly tap into the knowledge of the local community. The Site  
17 helps the public make more informed choices about local businesses and activities.

18 3. The Site is made available to the public at no charge and without any  
19 registration requirement. Those who choose to register (by creating an account, which  
20 requires only providing a name, zip code, and a functional e-mail address, and  
21 agreement to Yelp's Terms of Service and Privacy Policy) can write reviews, submit  
22 photos, and have access to a broader range of features on the Site, such as message  
23 boards and communication tools and other free services. Yelp does not charge users to  
24 register or use a Yelp account.

25 4. Registered users of Yelp can contribute information about their  
26 communities by writing reviews about local businesses and public attractions, posting  
27 comments on message boards on a variety of topics, and sharing information about  
28 upcoming events in their area. Among other things, the Site allows registered users to

1 write detailed reviews about local businesses and service providers, including  
2 commercial, public, and nonprofit organizations (collectively “businesses and service  
3 providers”). For example, Yelp’s users write reviews about schools, dentists, child care  
4 providers, restaurants, charitable organizations, and places of worship—to name just a  
5 few topics. Such reviews are read by tens of millions of other users when making a  
6 wide range of consumer and other decisions.

7 5. Reviews on Yelp are linked to the Yelp account profile of their authors. A  
8 user can gauge the credibility and similarity of tastes of other users by viewing their  
9 Yelp account profiles, reading their reviews and assessing detailed statistics about their  
10 reviews, such as the number of positive or negative reviews written.

11 6. Business owners and service providers can also freely post public responses  
12 to the reviews that they receive on the Site. Business owners and service providers can  
13 also privately contact Yelp reviewers through Yelp’s messaging features. Yelp does  
14 not charge for these features.

15 7. Yelp operates in the United States, and in 23 other countries. As of  
16 September 30, 2013, users had posted over 47 million reviews to Yelp’s websites. As  
17 measured by Google Analytics, Yelp had an average of approximately 117 million  
18 monthly unique visitors during the third quarter of 2013. Yelp’s mobile applications  
19 were used on approximately 11.2 million unique mobile devices, on an average  
20 monthly basis, during the quarter ended September 30, 2013. A fact sheet disclosing  
21 these statistics is attached as **Exhibit A**, and is publicly available on the Site at  
22 <http://www.yelp-press.com/phoenix.zhtml?c=250809&p=irol-press>.

23 8. Yelp users write reviews about businesses and service providers by logging  
24 in to the Site and entering their review into a freeform text box. Along with their  
25 reviews, users rate businesses and services on a scale of one to five stars. Yelp also  
26 allows other users to vote on reviews as “funny”, “useful”, and/or “cool”, and displays  
27 the vote tallies, if any, below each review. Yelp also allows users to delete or edit their  
28 reviews. Users can also write review updates, which appear alongside their original



1 review.

2 9. Attached as **Exhibit B** is an example of what a review drafting page looks  
3 like to a user. As shown in Exhibit B, the text displayed states, "Please don't review  
4 this business if you received a freebie for writing this review . . . ." Exhibit B is a true  
5 and correct screenshot of relevant portions of a review drafting page for the U.S.  
6 District Court for the Central District of California in Los Angeles. Links to Yelp's  
7 Content Guidelines appear next to the freeform box where users of Yelp may enter their  
8 reviews.

9 10. Attached as **Exhibit C** are examples of completed reviews visible on a  
10 business page on the Site. Exhibit C is a true and correct copy of the Yelp listing, with  
11 published reviews, of the U.S. District Court for the Central District of California in  
12 Los Angeles (available at [http://www.yelp.com/biz/us-district-court-central-district-of-](http://www.yelp.com/biz/us-district-court-central-district-of-ca-los-angeles)  
13 [ca-los-angeles](http://www.yelp.com/biz/us-district-court-central-district-of-ca-los-angeles)).

14 11. Reviews and ratings appear on the Yelp page of the reviewed business or  
15 service, as well as on the Yelp page of the review author. Because Yelp is a public  
16 forum, any member of the public with access to the internet can view these reviews, and  
17 any account holder who has registered (by providing a name, zip code, and functional  
18 email address) can post reviews. On the page of the business or service, Yelp combines  
19 star ratings provided by users to create an aggregate rating which is assigned to the  
20 business or service.

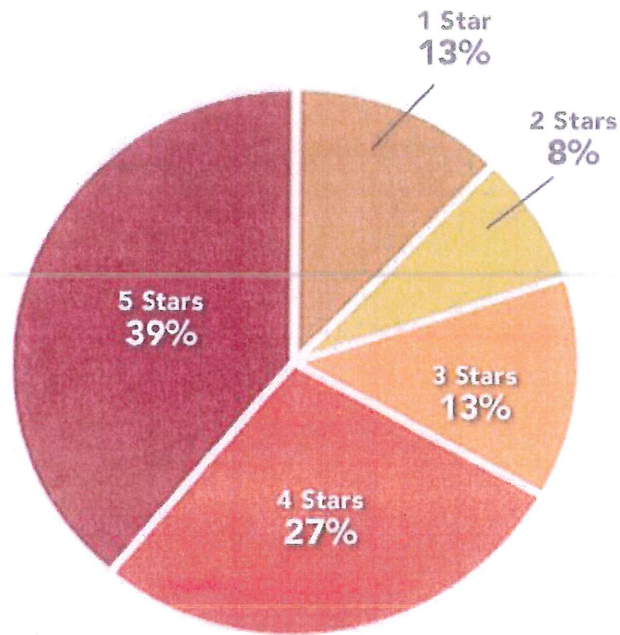
21 12. Reviews on Yelp are more often positive than negative. As of September  
22 30, 2013, 39% of reviews were five stars, 27% were four stars, 13% were three stars,  
23 8% were two stars, and 13% were one star. This information is publicized on the Site  
24 as follows:

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(Available at [http://www.yelp.com/faq#rating\\_distribution](http://www.yelp.com/faq#rating_distribution).)

13. Yelp also offers free accounts to business owners and service providers, which allow them to provide additional information about their businesses, message reviewers publicly or privately, and view statistics about their Yelp page (such as how many people viewed their Yelp profile, or contacted their business or service through Yelp's mobile applications). Information regarding these accounts is available on the Site at <https://biz.yelp.com/>.

14. Businesses and services that claim their free accounts on Yelp can respond to reviews either privately or publicly. Businesses and services can send private responses to users through Yelp's messaging system, and those responses are not visible to others. Yelp also allows businesses and services to post public responses, and these are placed directly below the review and are visible to any visitor to the Site. Through these features, Yelp encourages dialogue regarding local businesses and service.

1           15. Yelp is also a local search engine, which allows users to find businesses by  
2 entering search queries (like “plumbers” or “delicious chicken tacos” or “Episcopal  
3 Church”) and specifying a geographic location (such as an address, city, or  
4 neighborhood).

5           16. To support its free services, Yelp sells advertising packages to enable  
6 businesses or service providers to promote their offerings on Yelp.com through the  
7 display of “Yelp Ads.” To promote integrity and objectivity, and as stated on Yelp’s  
8 website, Yelp advertisers cannot delete, change, or re-order ratings or reviews. “Yelp  
9 Ads” may incorporate content supplied by the advertising business, and/or review  
10 snippets and ratings supplied by Yelp’s registered users.

11           17. Unreliable reviews are a concern for Yelp because they undermine the  
12 usefulness of the Site to consumers, and they are a problem that Yelp constantly fights.  
13 Unreliable reviews take many forms and include positive reviews about a business or  
14 service written by friends or family members of the proprietor, or employees posing as  
15 unbiased consumers (a practice known as “astroturfing”). Unreliable reviews also  
16 include negative reviews written about a business or service by a competitor.  
17 Unreliable reviews also include reviews that a business pays for, whether the individual  
18 reviewer has used that business’s services or not. There has been substantial public  
19 discussion about the problem of unreliable online reviews.

20           18. In response to the problem of unreliable reviews, Yelp developed  
21 recommendation software in an effort to minimize their impact on consumers. The first  
22 iteration of Yelp’s recommendation software (previously called the “review filter”)  
23 came into existence in 2005, and Yelp has worked on improving it ever since then.  
24 Yelp has a team of engineers who are tasked with the ongoing development of  
25 improvements to the recommendation software.

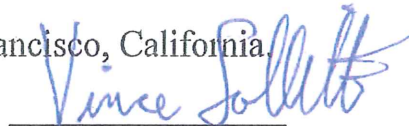
26           19. Non-recommended reviews, i.e., those the recommendation software  
27 determines to be of questionable reliability, do not count toward a business’s aggregate  
28 ///



1 star rating on Yelp and do not appear on a business's main Yelp page. Non-  
2 recommended reviews, however, continue to appear on the reviewer's Yelp page as  
3 well as on a special page of non-recommended reviews for the business or service.  
4 This non-recommended reviews page is accessible from the main business page through  
5 a link on the bottom of the page. The recommendation software applies uniform rules,  
6 and Yelp's advertisers cannot affect how the software operates, and the software does  
7 not favor advertisers or punish non-advertisers. The recommendation software has  
8 received significant media and governmental attention. As one example, attached as  
9 **Exhibit D** is a press release from the office of the Attorney General of the State of New  
10 York, describing the problem of unreliable reviews and describing actions that office  
11 has taken to address the practice. This press release notes that the office's  
12 "investigation found that many consumer-review websites have implemented filters to  
13 detect and filter or delete fake reviews, with Yelp's being the most aggressive."  
14

15 I declare under penalty of perjury under the laws of the United States and California  
16 that the foregoing is true and correct.  
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18 Executed on December 20, 2013, at San Francisco, California.

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20 Vince Sollitto  
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**List of Exhibits**

**Exhibit A (Fact Sheet)**

**Exhibit B (Review Drafting Page)**

**Exhibit C (US District Court Review Example)**

**Exhibit D (NY Attorney General Press Release)**